REMARKS

In the application claims 1-20 have been canceled without prejudice in favor of new claims 21-31. Claims 21-31 have been added to more distinctly recite what is regarded as the invention. Support for the claims as added may be found in the specification and figures as originally filed. No new matter has been added.

The claims presently stand rejected under 35 U.S.C. § 102 as being anticipated by Ellis (U.S. Published Application No. 2005/0028208). The reconsideration of the rejection of the claims is, however, respectfully requested.

The claimed invention is directed to a remote control of the universal type, i.e., a remote control having a memory in which is stored a library of command codes for use in directly commanding operations of a plurality of appliances, such as televisions, cable boxes, etc., where the remote control further provides for the display of a favorites page. The favorites page that is displayed by the remote control includes a plurality of icons each of which is associated with a channel that is tunable to by at least one of the plurality of appliances. For example, Figs. 7 and 8 of the subject application illustrate a displayed favorites page having icons that are associated with channels such as "ABC," "HBO," etc. which channels are tunable to by means of an appliance that, in turn, is directly controllable through use of the remote control. To setup the remote control whereby it may be used to cause a desired or appropriate one of the plurality of appliances to tune to a channel that is associated with an icon of the favorites page, the icons of the favorites page are each assigned at least one command code from the library of command codes where the assigned at least one command code will cause an intended one of the plurality of appliances to tune to the channel that is associated with its respective icon (e.g., an icon may be assigned one or more command codes recognizable by the television as a directive to tune to

channel 7 on which "ABC" is broadcast, another icon may be assigned one or more command codes recognizable by the cable box as a directive to tune to channel 120 on which "HBO" is broadcast, etc.). As further set forth within the claims, the remote control will respond to a user selecting an icon within a favorites page displayed on the remote control by further displaying on the remote control information that is relevant to the channel associated with the selected icon (e.g., the remote control may display "HBO" programming information in response to the icon that is associated with the "HBO" channel being selected).

In rejecting the claims, it was asserted that, among other things, Ellis "inherently" discloses assigning to each of the icons of a favorites page displayed in a display of a remote control device a command code from a library of command codes stored within a memory of the remote control device to thereby allow for the tuning of an appliance to a channel associated with a selected on of the icons of the favorites page.

In response, it is respectfully submitted that, to be inherently described in a reference the reference "must make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill." I.e., inherency "may not be established by probabilities or possibilities" and the mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Continental Can Co. USA v. Monsanto Co.*, 948 F.3d 1264 (Fed. Cir. 1991).

Turning now to Ellis, it is respectfully submitted that Ellis describes a system in which an interactive television program guide is provided for each home appliance and a system in which it is the interactive television program guide that is used to, among other things, set reminders, control appliance program recording, control appliance channel tuning, etc. While Ellis may describe that the interactive television program guide of each home appliance may be accessed

using a remote access device (24), it is respectfully noted that the relevant programming of the remote access device (24) of Ellis is nevertheless used only to exchange information with an interactive television program guide. (see paras. 0092+). Since the relevant programming of the remote access device (24) of Ellis is adapted to exchange information only with an interactive television program guide, it is respectfully submitted that it is evident that the relevant programming of the remote access device (24) of Ellis cannot itself be used to directly command appliance functions, i.e., the relevant programming of the remote access device (24) of Ellis is itself inoperable without the interactive television program guide of a home appliance. Similarly, to the extent it was asserted within the Office Action that "a library of command codes for use in commanding operations of a plurality of appliances must be stored in the memory of the remote access device (24)," it is respectfully submitted that, to the contrary, the memory of the remote access device (24) of Ellis must only store the data that is needed to facilitate information exchanges with the singularly implemented interactive television program guides. (see para. 0096). As such, it is respectfully submitted that it is evident that the remote access device (24) of Ellis is not a remote control device of the universal type and, therefore, simply cannot be used in a manner in keeping with the method claimed, i.e., the remote access device (24) of Ellis never displays a favorites page having icons to which are assigned at least one command from a library of commands codes for use in directly commanding operations of a plurality of appliances stored within a memory of the remote access device (24) wherein the assigned command code(s) are directly transmittable from the remote access device (24) to an intended recipient one of a plurality of appliances to thereby cause the intended recipient one of a plurality of appliances to tune to a channel associated with an icon displayed as a part of a displayed favorites page.

From the foregoing it is respectfully submitted that it is evident that Ellis cannot be said to expressly or inherently disclose, teach, or suggest each and every element, considering each and every word, set forth within the claims now presented. More particularly, it is respectfully submitted that, when Ellis is fully and fairly considered in its entirety as is required, it simply cannot be said that the system disclosed within Ellis <u>necessarily</u> allows for assigning to each of the plurality of icons at least one command code *from a library of command codes for use in directly commanding operations of a plurality of appliances stored within a memory of a remote control device* wherein the assigned at least one command code is appropriate for causing an intended recipient one of the plurality of appliances to tune to a channel associated with each of the plurality of icons *when the at least one command code is transmitted from the remote control device directly to the intended recipient one of the plurality of appliances* as is required of "inherency." For at least this reason it is respectfully submitted that the rejection of the claims must be withdrawn.

CONCLUSION

It is respectfully submitted that the pending claims are in condition for allowance. Should it be determined that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner authorized to charge any fee deficiency to deposit account number 50-2428.

Respectfully Submitted;

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